

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

ULYSSES FRANKLIN,

Plaintiff,

vs.

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

Civil No. C05-801-JLR

ORDER

Based on the stipulation of the parties, it is ORDERED that the Commissioner's decision in regard to Plaintiff's application for disability insurance benefits under Title II and Supplement Security Income under Title XVI of the Social Security Act be REVERSED and REMANDED to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the administrative law judge (ALJ) will:

- Further evaluate the nature and severity of Plaintiff's mental impairment(s) and make a finding regarding the severity limitations in each of the functional areas (activities of daily living; social functioning; concentration, persistence, or pace; and episodes of decompensation) with citation to the evidence of record;
- Explain the weight given to the opinions and medical evidence of Plaintiff's treating

1 physicians, including Gerald Cavenee, Ph.D., and Karen Johnston, M.D.;

2 • Consider Plaintiff's need for the use of a cane and its impact on his ability to perform
3 work-related activities;

4 • In accordance with SSR 96-7p, 20 C.F.R. § 404.929, 20 C.F.R. § 404.950(a), and
5 Goldberg v. Kelly, 387 U.S. 254 (1970), allow Plaintiff to present lay witness testimony in
6 support of his claim, including the testimony of Ester Lockett;

7 • Determine whether Plaintiff's impairments have improved and whether that improvement
8 related to Plaintiff's ability to perform work pursuant to the eight-step medical
9 improvement regulation (20 C.F.R. § 404.1594).

10 DATED this 7th day of November, 2005.

11
12 s/James L. Robart

13
14 JAMES L. ROBART
15 United States District Judge

16 Recommended for Entry this
17 2d day of November, 2005.

18 /s/ JAMES P. DONOHUE
19 United States Magistrate Judge

20 Presented by:

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